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EXAMINER	
K 2165-040SF-S	
ART UNIT	PAPER NUMBER
BAUMEISTER, B	

DATE MAILED:

2815

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

03/29/01

1.  The communication filed 3/10/00 is informal/non-responsive for the reason(s) checked below and should be corrected. APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER OR UNTIL THE EXPIRATION OF THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION (WHICHEVER IS LONGER) WITHIN WHICH TO CORRECT THE INFORMALITY.

- a.  The amendment to claim(s) \_\_\_\_\_, filed \_\_\_\_\_, fails to comply with the provisions of 37 C.F.R. 1.121 and is accordingly held to be non-responsive. A supplemental paper correcting the informal portions and complying with the rule is required.
- b.  The paper is unsigned. A duplicate paper or ratification, properly signed, is required.
- c.  The paper is signed by \_\_\_\_\_, who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required.
- d.  The communication is presented on paper which will not provide a permanent copy. A permanent copy, or a request that a permanent copy be made by the Office at applicant's expense, is required, see M.P.E.P. 714.07.
- e.  Other SEE ATTACHMENT

2.  In accordance with applicant's request, THE PERIOD FOR RESPONSE FROM THE OFFICE ACTION DATED \_\_\_\_\_ IS EXTENDED TO RUN \_\_\_\_\_ MONTH(S).

No further extension will be granted unless approved by the Commissioner. 37 C.F.R. 1.136 (b)

3.  Receipt is acknowledged of papers submitted under 35 U.S.C. 119 which papers have been made of record in the file.
4.  Other

Art Unit: 2815

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to under 37 CFR §§ 1.71 and 1.74, as being so incomplete and not in accordance with US patent prosecution practice as to preclude a reasonable review of the application and search of the prior art by the examiner. For example, the non-exhaustive list of following items are noted:

a. In the Brief Description of the Drawings, Figure 1 is stated as being “a diagram sic: side view?] showing how regrowth proceeds on a pattern according to the prior art.”

However, only three of the seven depicted regions are labeled, and it is unclear what all of the various regions are intended to represent.

b. No drawings of any of the embodiments of the present invention are provided.

This renders it unclear, for example, as to whether claims 1 and 2 are directed towards different embodiments or alternatively whether these two claims of differing scope are directed towards the same embodiment. Thus, upon examination on the merits, the drawings will likely be objected to under 37 CFR 1.83(a) since the drawings must show every feature of the invention specified in the claims. **Applicant is reminded that no new matter should be entered.**

c. Upon the inclusion of drawings, the specification will also have to be amended to include all of the associated reference numerals.

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2. **Accordingly, Applicant is required to submit a substitute specification excluding claims pursuant to 37 CFR 1.125(a) which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.**

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

A shortened statutory period for reply to this action is set to expire **thirty days or ONE MONTH**, whichever is longer, from the mailing date of this letter.

#### **INFORMATION ON HOW TO CONTACT THE USPTO**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner, **B. William Baumeister**, at (703) 306-9165. The examiner can normally be reached Monday through Friday, 8:30 a.m. to 5:00 p.m. If the Examiner is not available, the Examiner's supervisor, Mr. Eddie Lee, can be reached at (703) 308-1690. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0936.

B. William Baumeister  
March 16, 2001



**EDDIE LEE**  
**SUPERVISORY PATENT EXAMINER**  
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